

AGING, DEPARTMENT ON[17]

Adopted and Filed

Rule making related to access to residents

The Department on Aging hereby amends Chapter 8, “Long-Term Care Ombudsman,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 231.42 and 17A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231.45.

Purpose and Summary

This amendment changes the rule related to the Certified Volunteer Long-Term Care Ombudsman Program. New legislation was passed on the federal level related to the Office of the State Long-Term Care Ombudsman. On a monitoring visit, the Administration for Community Living noted that the subrule regarding access to residents was inconsistent with 45 CFR § 1324.11(e)(2)(ii). This amendment will put the Department in compliance with federal law.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 6, 2017, as **ARC 3479C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on March 1, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 2, 2018.

The following rule-making action is adopted:

Rescind paragraph **8.6(10)“c.”**

[Filed 3/6/18, effective 5/2/18]

[Published 3/28/18]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/28/18.